

September 1, 2006

Michael Mena,
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200 East Santa Clara Street,
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Dear Mr. Mena,

I attended the EEHVS meeting held on August 30, 2006 at San Jose city hall. At this meeting the issue of "Pool Allocations" for infill areas was brought up, but not discussed in any detail. The guidelines presented for giving out extra allocations to land owners are confusing and I would like to get some clarification.

A. Pool Allocation Guidelines:

The best way for me to get a clear understanding would be to use an example. Further, I am going to use my own land (PN: 660-03-002) in this example. This piece of land is about 2.03 acres. Right next to this land there are single family homes (California Oak Creek) on approximately 8000 square foot lots sizes. In this example I would like to develop the land with similar sized lots; that would allow eight homes to be built there. Given this scenario, my questions are:

1. Assuming I go through the proper application process, would I be able to get a zoning change to receive these 8 allocations from this "pool"?
2. Since the number of units is more than four, would I have to build some "affordable homes", even though this would be completely out of character with the rest of the surroundings. Or, would the guidelines still allow me to build all single family homes that are consistent with the existing neighborhood.
3. The criteria of meeting two of the following, as per staff proposal, are confusing.
 - Consistency with Existing General Plan
 - Affordable Housing
 - Mixed-Use / Transit Oriented Design
 - Environmental Sustainability
 - Diverse Housing Types
 - Cultural Resource
 - Etc.

In my situation, and I am sure in many other cases, even one of these may not be applicable, let alone two.

Perhaps, a better criteria would be to require a land owners to build homes that are consistent with the existing neighborhood! That would be a true "infill".

B. The Number of Pool allocations:

This appears to be another area where hardly any discussion time has been spent in the task force meetings. I am not sure how this number is going to be decided by the task force members when they have no real information with which to make this decision. By this I mean information such as:

1. How many acres are there of developable land owned by small-property owners.

2. Are all small parcels of land (1-5 acres) with one or two homes already on them included in the total number of acres available for development.
3. Is there a list of “small” properties or “infill” properties compiled to accurately assess how many acres of land are likely to be developed in the next ten years.
4. How many homes per acre are used to arrive at the number of allocations for the “bank”..
5. **Evergreen – East Hills Vision: #9** , requires the EEHVS process to:

Establish a ten-year supply, or “bank”, of residential unit allocations beyond the four opportunity sites to facilitate infill and reuse development in the study area.

What this implies is that this is not a first come-first serve situation, until all allocations run out. This vision really requires that an ample pool of allocations be set aside so that we do not run out for 10 years. If the allocation “bank” runs dry before the ten year period, what recourse would small-property owners have to develop their land without having to go through a lengthy process such as the one we are involved in now with EEHVS.

I am afraid that by arbitrarily choosing a smaller than needed number of allocations for this “bank”, the task force, the city staff and the city council is going to do a real disservice to many small landowners. There are going to be landowners who are not ready to develop their land for a few more years; there are going to be landowners who don’t even know that this process is happening. If the number of allocations set aside for the ‘infill’ use is so small that it runs dry after 5 years these people are going to be hurt. For many, their small piece of land represents their retirement. And, it is the responsibility of this process to protect their rights and their retirement.

Therefore, I would like to see that a thorough list of all ‘infill’ parcels, along with the number of possible units for each parcel (using the surrounding existing houses as guidelines) , be compiled. This would be the best way of arriving at a good number of allocations needed. It would also be a good idea to set the allocation “bank” on the high side. It would be better to have unused allocations at the end of ten years than to have the risk of hurting small property owners by running out of allocations.

Mr. Mena, I would be grateful if you could send me a reply with your answers to my questions as soon as possible. I would also request that these points be brought up and discussed at the next task force meeting. It is an imperative duty of all decision makers in this process to protect the rights of small property owners, especially when there is no one on the task force to represent them.

Thanking you in advance for your kind consideration.

Regards,

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